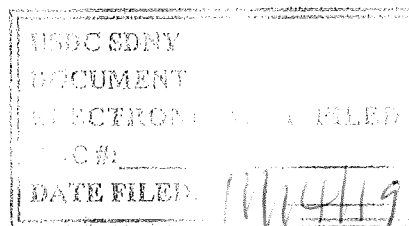


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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DWAYNE WHITE,

Plaintiff,

v.

WESTCHESTER COUNTY; WARDEN
MOCCIO, in his individual and official
capacities; JOSEPH K. SPANO,
Westchester County Department of
Corrections Commissioner, in his individual
and official capacities; JOSEPH HALL,
Resolve to Stop the Violence Program
Supervisor, in his individual and official
capacities; and PAMELA SPENCER,
Solutions Program Supervisor, in her
individual and official capacities,
Defendants.

ORDER

18 CV 12048 (VB)

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Briccetti, J.:

Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action by filing a complaint on December 19, 2018. (Doc. #2). At that time, plaintiff was incarcerated at the Westchester County Jail. (See id. at 1).

On November 12, 2019, the Court received notice that its October 25, 2019, Order deeming defendants Warden Moccio, Joseph Spano, and Westchester County's motion to dismiss unopposed (Doc. #40), which was mailed to plaintiff, was returned as undeliverable because plaintiff was released from custody. Information provided on DOCCS's website states plaintiff was released from DOCCS's custody on August 13, 2019.

As the Court stated in its Order of Service dated January 25, 2019 (Doc. #6), it is plaintiff's responsibility to notify the Court in writing if his address changes, and the Court may dismiss the action if plaintiff fails to do so.

The January 25 Order of Service was mailed to plaintiff, along with an "Instructions for Litigants Who Do Not Have Attorneys" pamphlet and a blank "Notice of Change of Address" form. (Doc. #7). Like the January 25 Order of Service, the Instructions pamphlet also states it is plaintiff's responsibility to notify the Court in writing if his address changes, and the Court may dismiss the action if plaintiff fails to do so. (See id. at ECF 2).

On April 8, 2019, plaintiff filed a Notice of Change of Address, stating his updated address at Downstate Correctional Facility in Fishkill, NY. (Doc. #17).

On April 18, 2019, plaintiff filed a second Notice of Change of Address, stating his updated address at Franklin Correctional Facility in Malone, NY. (Doc. #18).

Since his release from DOCCS's custody, plaintiff has not updated his address.

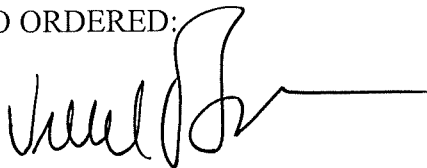
Accordingly, by December 16, 2019, plaintiff must update the Court in writing as to his current address. Failure to comply with the Court's Order may result in dismissal of the action for failure to prosecute or comply with Court orders. Fed. R. Civ. P. 41(b).

The Clerk is directed to mail a copy of this Order to plaintiff at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: November 14, 2019
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', followed by a horizontal line.

Vincent L. Briccetti
United States District Judge